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NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF AN ELECTION TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

1. The Deputy Registrar of the International Court of Justice, by a letter dated 24 October 1995, informed the Secretary-General of the death of Judge Andrès Aguilar Mawdsley (Venezuela) on 24 October 1995, and of the occurrence of a vacancy in the Court as a result of that death.

2. Judge Aguilar became a member of the Court as from 6 February 1991. His present term of office would have expired on 5 February 2000. In accordance with the terms of the Statute of the International Court of Justice, the General Assembly and the Security Council will therefore have to elect a member of the Court to serve for the remainder of Judge Aguilar's term until 5 February 2000.

3. Article 14 of the Statute provides:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

4. Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

5. In view of the fact that the date of the election is to be fixed by the Security Council, and the fact that the Secretary-General is required, according to the Statute, to invite nominations by communications "within one month of the occurrence of the vacancy", it is suggested that the Council might wish to consider this question at an early meeting.

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